

**Notice of Allowability**

Application No.

10/584,464

Examiner

Chun-Cheng Wang

Applicant(s)

LORTZ ET AL.

Art Unit

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/05/2009.
2. ☒ The allowed claim(s) is/are 9-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20090121</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

/Chun-Cheng Wang/  
Examiner, Art Unit 1796

### **DETAILED ACTION**

Claims 1-8 are cancelled, and claims 9-16 are now pending.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marina Miller on January 5, 2009.

2. The application has been amended as follows:

Claim 9 (Currently Amended): A device for producing a finely divided dispersion, comprising: at least two nozzles for spraying a predispersion, at least two pumps, wherein each of said nozzles have an associated pump, and a grinding chamber surrounded by a reactor housing, wherein the predispersion ~~can be~~ is fed onto a common collision point and the dispersion ~~can leave~~ leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

### ***Allowable Subject Matter***

3. Claims 9-16 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Ito et al. (GB 2063695), Serafin (US 5927852) and Lortz et al. (US 6991 190 B2).

Ito et al. disclose two or more flows are jetted through a plurality of nozzles to the same spot (page 1, lines 72-73) inside the dispersion apparatus of the inner wall is not worn out (page 1 lines 78-79) and then the dispersion is guided and flows to the outlet orifice (page 1, lines 99-102). However, Ito et al. failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

Serafin discloses apparatus including a high pressure pump and a series of mixing zones (column 1 lines 56-58). The preferred apparatus and method comprises impinging pressurized streams up each other (column 2, lines 23-24). The individual impingement chamber assemblies includes an input manifold in which the process stream is split into two or more individual streams, an output manifold which contains the impingement chamber in which the individual streams are recombined, and a passage directing the individual streams into the impingement chamber. The exit streams can each lead to an individual orifice (or nozzle) in the next impingement chamber (column 2, lines 25-31, 50-52). However, Serafin failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

Lortz et al. '1190 disclose preliminary dispersion was ground using a high-pressure homogenizer but with a three-jet chamber instead of the twin-jet chamber incorporated. The three-jet chamber divided the preliminary dispersion under high

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pressure into three substreams, which were each released through a diamond nozzle having a diameter of 0.25 mm. The three jets of the dispersion at a very high speed met at a collision point and the dispersing grinding effect aimed at was thus attained (column 5, lines 9-22). However, Lortz et al. '1190 failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Cheng Wang whose telephone number is (571)270-5459. The examiner can normally be reached on Monday to Friday w/alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/  
Primary Examiner, Art Unit 1796

Chun-Cheng Wang  
Examiner, Art Unit 1796

/CCW/